

Vice Chairperson Guy Pfalzgraff called the regular meeting to order at 6:30 p.m. Vice Chairperson Pfalzgraff initially welcomed the new Planning Commissioners: Ron Bell, Carl Jahn, and Marguerite Grace. Also present were Planning Commissioners Gerald Roberts and Tish Oelke. Absent was Planning Commissioner, Bill Raley. Glen Black, Director of Community Development and James Shoopman, City Planner also attended.

### **Officer Elections**

Commissioner Roberts nominated Ron Bell for chairperson. Commissioner Oelke seconded the nomination. Commissioner Bell nominated Guy Pfalzgraff. Commissioner Jahn seconded the nomination. Commissioner Pfalzgraff stated that would not be accepting the nomination.

Commissioner Bell declined being nominated due to being a new commissioner and not having any experience. He then nominated Commissioner Raley. Having consideration for Commissioner Raley's absence Commissioner Roberts motioned to table the nominations until May 7<sup>th</sup>. Commissioner Oelke seconded the motion. All were in favor and the motion passed.

### **Citizen's Comments**

There were none.

### **Rezoning of 1470 Highway 50: Owners Larry and Janel Dawson**

Vice Chairperson Pfalzgraff opened the public hearing and requested staff's report and recommendations.

The following review was presented by James Shoopman, City Planner.

#### **Project Proposal:**

*The applicant is requesting that the zone district of the parcel located at 1470 Hwy 50 be changed from B-3 to I-2. The applicant is requesting this change because the B-3 zone district does not allow wrecking yards. Wrecking yards are only allowed in the I-2 and I-R zone districts.*

*The intent of the I-2 district is to allow most industrial and manufacturing uses, provided that they do not create a nuisance to other properties by reason of dust, odor, noise, light, smoke, or vibration or other adverse effects which cannot be effectively confined on the premises.*

*However, staff is recommending that the Dawson's parcel be zoned to the I-R district. The intent of the I-R district is to create a transition area between industrial districts and residential districts which will allow and encourage use and expansion of residential uses, particularly those providing low cost housing stock, as a use by right, but also allow and encourage the expansion of industrial uses from the adjacent industrial districts.*

*Surrounding use districts, structures, and physical features include:*

*I-2 zoned parcels to the South, West, and Northwest*

*B-3 zoned parcels to the North*

*A-1 zoned parcel to the east*

**Rezoning of 1470 Highway 50: Owners Larry and Janel Dawson continued...****Project Proposal:**

*Surrounding use districts, structures, and physical features continued...*

*Crushing plant to the Northwest*

*Gravel pit to the South and Southwest*

*United Supply & Machine to the North*

**Providing Notice:**

*The Dawson's have complied with the notice procedures of section 17.04.290 of the Municipal Code by:*

- 1. Posting a sign continuously for at least (7) days before the hearing;*
- 2. Publishing notice in a legal newspaper at least seven days prior to the hearing, and;*
- 3. Either hand delivering or depositing in the U.S. Mail, at least (7) days prior to the hearing, a copy of the above notice to the owner of record of any property inside the Delta City limits located within 100 feet.*

**Criteria for Rezoning:**

*According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:*

- 1. The amendment is not adverse to the public health, safety, and welfare; **and***
- 2. a. The amendment is in substantial conformity with the Master Plan; **or***  
*b. The existing zoning is erroneous; **or***  
*c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.*

**Staff Recommendations:**

*Staff recommends that the Dawson's property be zoned **I-R** based upon the following reasons:*

- 1. This change does not appear to be adverse to the public health, safety, and welfare.*
- 2. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.*
- 3. The I-R zone district more accurately reflects the current character of the area.*

Commissioner Roberts wanted staff to clarify what exactly was posted on the signs.

Mr. Shoopman stated that the city had received two letters in support of the zone change request from neighboring property owners.

Commissioner Bell asked about any limitations on the amount of residents allowed in an I-R zoning district.

**Rezoning of 1470 Highway 50: Owners Larry and Janel Dawson continued...**

Mr. Black clarified that the I-R zone district's density requirements are the same as R-3 for residential uses. R-3 residential uses require 6,000 square feet per single family unit, 3,500 square feet per duplex, and 3,000 square feet per unit for all others.

Commissioner Bell asked if this property could be used more for residential purposes without the need of a future rezoning.

Mr. Black reminded the commission that a zone district change by itself does not allow the automobile salvage business to go into effect. The applicant is required to apply for a conditional use.

Commissioner Bell wanted to discuss access to the parcel as part of health, safety and welfare.

Vice Chairperson Pfalzgraff then requested the applicant presentation.

Janel Dawson, 1470 Highway 50, stated that her and her husband owned Americar Auto Parts for 7 years, located approximately 2 miles north from where they are now located. They sold their property and crushed and hauled off 400 cars. They moved 75 cars to their new property which they want to use for the salvage yard. They plan for it to be a small operation. Most of their business is done on the internet, of which 85% of their business is wholesale. Mrs. Dawson believes that their wrecking business is compatible with surrounding businesses. She stated that there would not be much traffic and that the property will be screened.

Vice Chairperson Pfalzgraff asked for public comment. There was none. He then closed the public hearing and requested commissioner comment.

Commissioner Roberts stated that he agreed with staff's recommendations to zone the property I-R. He then motioned for the Planning Commission to recommend approval of changing the zone district of 1470 Highway 50 from B-3 to I-R.

Commissioner Jahn seconded the motion.

All were in favor and the motion passed.

**Alpine Business Park-Sketch Plan Review located North on Highway 50: Ed & Cherri Lilly**

Vice Chairperson Pfalzgraff opened the public meeting.

The following was presented by James Shoopman, City Planner.

**Project Proposal**

*The Alpine Business Park Sketch Plan proposes to subdivide approximately 12.8 acres in North Delta into 10 lots for commercial use.*

**Alpine Business Park-Sketch Plan Review located North on Highway 50: Ed & Cherri Lilly continued..****Zoning Regulations**

*The property's zone district is B-3, which is intended for a large variety of uses that require large storage areas to conveniently serve customers.*

**Sketch Plan Requirements**

*Staff review of the sketch plan has found it to be in compliance with the sketch plan review requirements of 16.04.050 (C), except for the following, which will need to be addressed and/or corrected before preliminary approval:*

1. *The naming of the street accessing Hwy 50, possibly 1425 Rd, will need to be worked out during the preliminary review process.*

**Required Improvements, Dedications, and Minimum Design Standards**

*A preliminary staff review of required improvements, dedications, and minimum design standards has found the sketch plan to be substantially compliant with the requirements of 16.04.060 and 16.04.070, except for the following:*

1. **Streets/Access:**

*A. 1425 Rd should be an arterial road and eventually connect with I Rd. To accomplish this, 80' of right-of-way will need to be dedicated (16.04.070 C3). Foster Farms should be worked with to accomplish this.*

*B. A traffic study and a CDOT coordination access permit may be needed.*

2. **Utilities:**

*A. Utilities may need to be located within 1425 Rd instead of between lots 1 & 2 as proposed.*

*B. The utility easement north of Lilly Ct. may need an all weather surface for access.*

3. **Storm Drainage:**

*Storm drainage will need to be addressed at the preliminary stage.*

4. **Landscaping/Irrigation:**

*The ditch adjacent to the future 1425 Rd may need to be piped (16.04.070 H2).*

*Landscaping plans will be reviewed during the preliminary process and will need to conform with sections 15.04.080 & 15.04.090.*

5. **Parks/Open Space:**

*The PILP fee of \$10,827 for the additional 9 lots created (at \$1,203 per lot) will need to be paid before recording of the final plat.*

6. **Misc:**

*A. Setback minimums for the B-3 zone district are 25/5/10'. The minimum setback along a collector street is 25'. The minimum setback along an arterial street is 40'.*

**Alpine Business Park-Sketch Plan Review located North on Highway 50: Ed & Cherri Lilly continued..**

*Misc: continued...*

*B. Sketch Plan approval shall expire 1 year from the date of such approval.*

**Staff Recommendations**

*This submittal appears to substantially comply with the sketch plan requirements of 16.04.050 (C). The issues listed above (minimum design standards) will need to be resolved during the preliminary process.*

*Staff recommends **approval** of the Alpine Business Park sketch plan.*

Mr. Shoopman explained further that Verna Forbes is willing to dedicate 60 feet of the 80 feet that needs to be dedicated for the 1425 right of way. This is unusual because most often right of way is taken evenly from adjoining parcels to create the required width of the right of way.

Commissioner Bell asked if initial stop light areas had been identified.

Mr. Black replied that as Stone Mountain approaches their next phase of development a stop light may be required at 1525 Road.

Commissioner Bell questioned if an 80 ft. cul de sac' of right away was adequate for large truck deliveries.

Mr. Black stated that the City's minimum was 80 feet and it should be adequate for truck turn-around.

Matt Brezonick, Jehn Engineering, 326 Main Street, verified that Mr. Black's reply was accurate and that many details would be revisited during the final plat with clarification.

Vice Chairperson Pfalzgraff asked for public comment. There was none. He then closed the public meeting and requested commissioner comment.

Commissioner Roberts stated that the plan looked good and that the applicant should focus on the access issues and try to center the right away dedication along with the property boundaries if possible.

Commissioner Roberts motioned that the Planning Commission approve the sketch plan with all of staff's recommendations and concerns.

Commissioner Oelke seconded the motion.

All were in favor and the motion carried.

**Delta Homefront Sketch Plan located at 1582 H 25 Road: Owners John and Fran Jessop**

Vice Chairperson Pfalzgraff opened the public meeting.

The following was presented by James Shoopman, City Planner.

**Delta Homefront Sketch Plan located at 1582 H 25 Road: Owners John and Fran Jessop cont.****Project Proposal**

*The Delta Homefront Sketch Plan proposes to subdivide approximately 3.5 acres in North/Central Delta into 5 lots for residential use.*

*The applicant is also requesting that, as part of sketch plan approval, Planning Commission and City Council waive the preliminary plat requirements for this subdivision since no public improvements need to be designed or constructed (16.04.050.C.4.H).*

**Zoning Regulations**

*The property's zone district is R-1A, which is intended to provide a quiet, low density development for single family residences, site built or factory built homes (17.04.060).*

**Sketch Plan Requirements**

*Staff review of the sketch plan has found it to be in compliance with the sketch plan review requirements of 16.04.050 (C).*

**Preliminary Plan Requirements**

*Staff review of the sketch plan has found it to be in compliance with the sketch plan review requirements of 16.04.050 (D).*

**Required Improvements, Dedications, and Minimum Design Standards**

*A preliminary staff review of required improvements, dedications, and minimum design standards has found the sketch plan to be compliant with the requirements of 16.04.060 and 16.04.070, except for the following:*

**1. Streets/Access:**

*A full 30' of land, measured from the centerline of the street to the property line along H38 Rd will need to be dedicated, for use of the public, before a final plat will be recorded.*

**2. Utilities/Easements:**

*The applicant will need to install a fire hydrant, as specified by the Utilities Director, or pay the City a fee of \$3,500 to install it.*

**3. Parks/Open Space:**

*The PILP fee of \$4,812 for the additional 4 lots created (at \$1,203 per lot) will need to be paid before recording of the final plat.*

**4. Monuments:**

*All lots need to be monumented.*

**Delta Homefront Sketch Plan located at 1582 H 25 Road: Owners John and Fran Jessop cont.****5. Misc:**

- A. *Redlines will need to be corrected before recording of the final plat.*
- B. *Sketch Plan approval shall expire 1 year from the date of such approval.*

**Staff Recommendations**

*This submittal appears to substantially comply with the sketch plan requirements of 16.04.050 (C). The issues listed above (minimum design standards) will need to be resolved before recording a final plat.*

*Staff recommends **approval** of the Delta Homefront sketch plan.*

*Staff also recommends that the Planning Commission and City Council **approve** the request to waive the preliminary plat requirements for this subdivision since no public improvements need to be designed and constructed.*

Mr. Black reminded the Planning Commission that they had seen this same item on the agenda a few months prior. He further explained that the commission should be familiar with the issues pertaining to this project enough to waive the preliminary plat requirements.

Commissioner Bell asked who would be responsible for maintaining the ditch at the north end of this property.

John and Fran Jessop, 1582 H 25 Road, stated that they created 3 additional parcels fronting H 38 Road with one access as recommended by the Planning Department.

Robert Bartlett, 1580 H 25 Road, spoke in reference to the ditch in question and stated that the ditch does not flow properly because of the amount of cat tails growing in the ditch.

Vice Chairperson Pfalzgraff closed the public meeting and requested commissioner comments.

Glen clarified once again to the new commissioners why staff recommended to waive the preliminary plat requirements.

Commissioner Jahn motioned for the Planning Commission to approve the Delta Homefront Sketch Plan and also moved to approve the request to waive the preliminary plat requirements for subdivision.

Commissioner Roberts seconded both motions.

All were in favor and the motions passed.

**Three Mile Plan**

The following was presented by James Shoopman, City Planner.

**Three Mile Plan continued...**

*The following plan is hereby developed to comply with C.R.S. 31-12-105 (e)(I), which states the following:*

*...No annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year...*

*...Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually...*

*The City of Delta's Three Mile Plan includes the following:*

- 1. A boundary map showing a three mile area around the City.*
- 2. The City of Delta Comprehensive Plan.*
- 3. The Growth Management Agreement between the City and Delta County recorded January, 2007 in the Delta County Records.*
- 4. The Delta County Road and Bridge Map, incorporated to the extent of the three mile area shown on the boundary map.*
- 5. The Capital Improvement Plans.*
- 6. The Major Street Plan.*

*Public utilities in the three mile area include the following:*

- a. Power providers: Include the City of Delta and Delta-Montrose Electric Association pursuant to the Service Area Agreement.*
- b. Sewer: Available in and near the City from the City of Delta. City sewer is extended as per City ordinances at the cost of the applicant, or pursuant to special financial projects. Other areas are planned for agricultural or low density residential until City sewer is extended. The 208 Plan is hereby incorporated by reference. ISDS are authorized under certain circumstances in the City.*
- c. Water service: Domestic water services are provided in the area by the City of Delta and Tri-County Water conservancy District within their respective service areas as provided by agreement between the parties. Such service area contracts are hereby incorporated by reference as part of this Plan. City water service is also provided by the Town of Orchard City in the vicinity of the Town.*
- d. Trash collection: City trash service is provided within the City. Private collection services operate outside and within the City. Delta County operates the Delta County Landfill.*
- e. Telephone: Qwest Communications and Delta County Telecom as per their certified service areas.*



f. *Natural Gas: Kinder Morgan provides service available in the City, in fringe areas of the City, and along the main pipeline only.*

g. *Cable TV: Available in and near the City only, pursuant to CATV permit.*

*The proposed land uses of the area consist of public land, agricultural uses, and low-density residential uses, except to the extent specifically provided otherwise on the three mile boundary map or by the City's Official Zoning Map.*

*No transportation services are proposed to be provided by the City other than streets, alleys or bikeways, and recreation pathways.*

*To the extent that any item mentioned in C.R.S. 31-12-105 (1) (e) is not reflected in the items of this Plan, the Plan should be construed to mean that no such facilities are contemplated to be provided.*

*In the event of any conflict between anything in the foregoing elements of the Three Mile Plan and City ordinances or regulations, the City ordinances and regulations shall control. The City of Delta Comprehensive Plan and other city elements of the above documents shall control with respect to any conflicts with provisions of the plan incorporated from other "non-City" entities.*

*Town of Orchard City plans, ordinances and regulations shall control within the Town of Orchard City.*

Commissioner Roberts wanted to point out that Orchard City does come down into the 3 mile limit mentioned, and that whatever Orchard City has in place takes precedence over what we have.

Commissioner Roberts motioned to recommend approval to the Delta City Council of the Three Mile Plan.

Commissioner Jahn seconded the motion.

All were in favor and the motion passed.

### **Minutes**

Commissioner Roberts motioned for the approval of the minutes from the previous meeting on March 5<sup>th</sup>, 2007.

Commissioner Oelke seconded the motion.

All were in favor and the motion carried.

### **Commissioner Comments**

Commissioner Bell expressed his interests in the Three Mile Plan and encouraged the commission to take an active roll in the Comprehensive Plan.

**Commissioner Comments continued...**

Commissioner Jahn would like to see the City of Delta progress as a model city.

Commissioner Roberts requested that the font size on the minutes be increased. He also pointed out corrections to be made with the example motions that were noted in staff reports. He also welcomed the new commissioners.

Commissioners Oelke and Pfalzgraff also welcomed the new commissioners.

Commissioner Pfalzgraff stated that as Planning Commissioners they cannot stop development but what they can do is guide it. He stated that this planning commission is the entity that oversees the process for the Comprehensive Plan, and that everyone will have a great opportunity to have a lot of participation in that process.

Commissioner Bell requested clarification on the motioning process.

**Staff Comments**

Mr. Black welcomed the new commissioners on board. He also invited the new commissioners to visit with staff if they have any questions or concerns.

Mr. Black stated that he had presented the Comprehensive Plan to the Department of Local Affairs and applied for a Dola Grant for half of the cost of the Comp. Plan and received a verbal approval from their advisory committee. He anticipates receiving a letter in the next few weeks confirming the approval. He anticipates that the Planning Commission, along with a few council members, will be deemed the steering committee for the plan.

Mr. Black stated that the Code Enforcement Officer was under his department. Currently the officer is on leave due to injury and the status of his return is unknown at this time. During this time Community Development has been handling burn permits along with some other miscellaneous issues that occur.

Mr. Shoopman welcomed the new planning commissioners. He mentioned arranging a work session for the commission in order to practice or feel more comfortable with the procedures, leaving it at their discretion.

The meeting adjourned at 8:18 p.m.

---

Lee A. Barber, Executive Secretary